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EXAMINER

DURHAM, NATHAN E

ART UNIT PAPER NUMBER

3765

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/537,023

Applicant(s)

SPEICH, FRANCISCO

Examiner

Nathan E. Durham

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,7,9-12 and 14 is/are rejected.
- 7) ☐ Claim(s) 2,5,8 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/19/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 1 and 2 are objected to because of the following informalities: The
5 applicant stated in lines 5-6 of claim 1 that a latter transmission unit is connected to a
central computer by means of a data line. Claim 2 is dependent on claim 1 and shows
that a second transmission unit is connected to the central computer through the means
of a wireless signal. In the situation that the latter transmission unit is the second
transmission unit, there will be two connection means to the central computer.
10 Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

15 The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claims 7, 11 and 14 rejected under 35 U.S.C. 112, second paragraph, as being
indefinite for failing to particularly point out and distinctly claim the subject matter which
applicant regards as the invention.

20 Claim 7 recites the limitation "the second transmission unit" in line two of claim 7.
There is insufficient antecedent basis for this limitation in the claim. Claim 7 is
dependent on claim 1 where it states, "at least a first transmission unit" and makes no
reference to a second transmission unit.

Regarding claims 7 and 14, the phrase "preferably" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 11, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 6, 7, 9, 10, 12 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over MALLARD (U.S. Patent 4,835,699) in view of MESCHIA (European Patent 1,128,244 A2).

MALLARD teaches a system for monitoring, analyzing, and controlling a number of weaving machines (Col. 1, Lines 6-18). MALLARD teaches a control computer (72a - 72n) for each weaving machine (70a - 70n) (Col. 7, Lines 47-55) and a central computer (52). However, MALLARD does not disclose the control computers being networked through wireless signal transmission means to a transmission unit, which is connected to the central computer through a data line. The control computers of

MALLARD are connected via a data line (66) to the central computer (Fig. 2(B)). The system of MALLARD was developed in 1987 when the technology was not as advanced as it was when the applicant's invention was created.

In regards to claim 1, MESCHIA teaches a system for networking and controlling
5 a number of machine tools (Col. 1, Lines 3-5) (Col 2, Lines 42-52). The system of MESCHIA contains a control computer for each machine (11) (Col. 5, Lines 22-27) and a central computer (4) (Col. 6, Line 9). MESCHIA teaches the control computers being connected via wireless signal transmission means to a transmission unit (20) (Col. 5, Lines 36-49), which is connected to the central computer by means of a data line
10 (5)(Fig. 3) to allow for communication in both directions.

In regards to claim 3, MESCHIA discloses the wireless signal transmission means form a radio network for signal transmission (Col. 5, Lines 25-27 and Lines 36-40). The WLAN standard (as mentioned in line 3 of claim 3) is not one particular standard, therefore the signal transmission could be any standard. MESCHIA discloses
15 using any standard or more specifically IEEE 802.11 (Wi-Fi) (Col. 3, Lines 26-38).

In regards to claim 4, MESCHIA discloses the wireless transmission means having a send and receive unit being integrated into the respective terminal device (Col. 5, Lines 40-44).

In regards to claim 7 and 14, MESCHIA shows a first and second transmission
20 unit (20) connected via a data line (5) (Fig. 3).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to have provided the system of MALLARD with wireless

networking capabilities, including one or more transmission units, in light of the teachings of MESCHIA, in order to create a modern control system for weaving machines that encompassed all of the technology available.

In regards to claim 6, MALLARD and MESCHIA teach a system as discussed
5 above. However, MESCHIA fails to discuss the data line connecting the central computer to a transmission unit as being a telephone line. MESCHIA discloses a cable line for the particular connection. Applicant has not disclosed that having a telephone line further solves any stated problem or is for any particular purpose besides personal preference. Moreover, it appears that the system would perform equally well with the
10 configuration as set forth by MESCHIA to allow for the transfer of data to and from the central computer and transmission unit. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the system of MESCHIA with the telephone line as set forth by the applicant's claim 6 because it appears to be an arbitrary design configuration which fails to patentably
15 distinguish over MESCHIS.

In regards to claim 9, MALLARD discloses a printer (55) being assigned to the central computer (Fig. 2(B)).

MALLARD discloses a system as discussed above. However, MALLARD fails to disclose a scanner being assigned to the central computer.

20 In regards to claim 10, MESCHIA teaches a scanner (17) being assigned to a central computer (Col. 6, Lines 37-39) in order to digitize an image into pattern data and be stored in the central computer and also to share this image over the network.

Accordingly, it would have been obvious to one with ordinary skill in the art at the time the invention was made to have provided the system of MALLARD with a scanner being connected to the central computer, in light of the teachings of MESCHIA, in order to provide a way to create and store pattern data and share this data over the network.

5 In regards to claim 12, MALLARD discloses the control computer being capable of converting digitized data into machine data processable by the corresponding machines. If the controllers were unable to convert digitized data into machine data, there would be no purpose to the entire setup because the machines would be unable to be controlled through one centralized computer.

10

Allowable Subject Matter

Claims 2, 5, 8 and 13 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15

Conclusion

The prior art made of record, cited on attached form, PTO-892, and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the
20 examiner should be directed to Nathan E. Durham whose telephone number is (571) 272-8642. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary L. Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

5 Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic
10 Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

15 NED



GARY L. WELCH
PRIMARY EXAMINER

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